



ACTION BY: All FGIS Employees and Samplers Contracting with FGIS

Reporting of, and Providing/Withholding Official Services
During, Labor Strikes and Other Action-Forcing Events

I. PURPOSE

This Instruction establishes a procedure for identifying and reporting labor strikes and other action-forcing events that directly affect the orderly marketing of grain and other commodities assigned to the Federal Grain Inspection Service (FGIS). It also establishes guidelines and procedures to be followed by FGIS employees and samplers contracting with FGIS in providing/withholding official inspection and weighing services during labor strikes.

II. AUTHORITY

This Instruction is authorized by Section 16(a) of the U.S. Grain Standards Act (USGSA) (7 U.S.C. 87e) and Section 205(b) of the Agricultural Marketing Act (AMA) (7 U.S.C. 1624).

III. POLICY

- A. FGIS employees must remain impartial and avoid discriminatory actions in labor/management disputes.
- B. FGIS employees must provide official services on grain and specified agricultural commodities upon request of an eligible applicant. The requesting applicant must make the grain or commodity accessible for the requested services and for related monitoring and supervision activities.
- C. If grain or a commodity is in a location where conditions for withholding services exist, official services must be conditionally withheld.
- D. If a picket line or other restriction to free access at a facility is imposed or threatened, FGIS field office supervisors will use Federal personnel (i.e., agricultural commodity graders, agricultural commodity technicians, or agricultural commodity aids) to perform requested services. Contract samplers will not be asked or instructed by FGIS to provide services until all known restrictions have been removed.

ORIGINATING OFFICE: Compliance Division R&C Staff	DIRECTIVES MAINTENANCE INFORMATION: Combines and updates former GR Instruction 909-1 (9-4-73) and FGIS Instruction 909-2 (7-9-80). Discard those Instructions and file this one in the Manual.	Page 1 6/8/81
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(III.)

- E. If grain or a commodity offered for inspection is in a location affected by a labor strike, FGIS may withhold official services. The determination to withhold official services must be made by FGIS personnel in separate consultations with interested labor and management groups.
- F. Where conditions for withholding services exist and when official services are being performed in accordance with the provisions of a court order, the applicant must provide or arrange for appropriate protection for FGIS personnel. This protection must be provided as long as these working conditions exist.

IV. CONDITIONS FOR WITHHOLDING OFFICIAL SERVICES

FGIS personnel must conditionally withhold official services when grain or specified agricultural commodities are made available for official services under conditions that are (1) under the provisions of the AMA, unusually hazardous to the health and safety of official personnel or (2) under the USGSA and regulations issued thereunder, hazardous to the health and safety of official personnel. Work conditions include, but are not limited to, conditions at inspection or weighing sites; the entrance and exit routes to inspection and weighing sites; and storage, stowage, and similar places where official services are performed. In conditionally withholding official services on grain and specified agricultural commodities, it is the objective of FGIS to protect the health and safety of its personnel and to protect the integrity of official services provided by such personnel.

V. IDENTIFYING AND REPORTING STRIKES AND OTHER ACTION-FORCING EVENTS

Labor strikes and other significant action-forcing events must be promptly identified and reported to the appropriate FGIS officials. Some examples of significant action-forcing events are the opening or closing of an elevator or mill; significant handling, storage, or transportation problems. These events should be described in terms of who, what, when, where, and why. The expected impact of the event also should be described.

- A. Reporting strikes and other action-forcing events at locations where FGIS provides original services. The field office supervisor must determine and report the important facts and changes to the appropriate regional office. The regional director shall report the facts and changes to the FGIS Operations Staff.
- B. Communications. In providing/withholding official services during labor strikes and other significant action-forcing events, the important facts and changes must be communicated promptly through approved channels. Meetings and telephone conversations

(V. B.)

should be summarized in writing. Notices of a withholding of services must be issued in writing as provided in section 800.49(b) of the regulations under the USGSA, or handled according to the rules of practice governing denial or withdrawal of inspection and grading services as provided in section 68.50 of the regulations under the AMA.

VI. GUIDELINES AND PROCEDURES IN PROVIDING/WITHHOLDING SERVICES FOR UNANNOUNCED (WILDCAT) STRIKES

A. FGIS personnel on duty at strike locations shall:

1. Promptly inform their supervisor as soon as they learn of a labor strike.
2. Continue to perform their assigned duties as scheduled unless they are notified otherwise by their supervisor. They must seek safe exit and promptly notify their supervisor should they later determine that they would have to continue their duties under conditions for withholding official services.

B. FGIS personnel reporting for duty at strike locations:


1. If there is no picket line or antagonistic physical threat from striking employees, FGIS personnel must report to their duty stations and perform their assigned duties as provided in VI. A.
2. When a picket line or antagonistic physical confrontations are encountered by FGIS personnel in reporting to their duty stations, they shall produce their identification, state the need to perform official services at the location, and request permission from the striking employees for their "safe conduct" to their duty stations.
 - a. If agreement for "safe conduct" is reached, FGIS personnel must inform their supervisor; then with his/her approval, proceed to perform their assigned duties as provided in VI. A.
 - b. If agreement for "safe conduct" is not obtained, or if the FGIS personnel are threatened with physical harm, they must leave the area and promptly notify their supervisor.

VII. GUIDELINES AND PROCEDURES IN PROVIDING/WITHHOLDING SERVICES FOR
ANNOUNCED LABOR STRIKES

The field office supervisor must meet with the interested applicant groups to review the guidelines and procedures in this Instruction and to determine what official services, if any, will be requested by the applicant(s) during the strike.

- A. If no services will be requested, that fact must be reported as provided in V. A.
- B. If official services will be requested, the field office supervisor must meet with the interested labor group(s) to review the guidelines and procedures in this Instruction and determine the operating characteristics of the strike, including the intended use of pickets. The field office supervisor also must request agreement by the labor group(s) for FGIS to provide official services requested by the applicant(s), including agreement for the "safe conduct" of FGIS personnel in reporting to their duty stations.
 1. If agreement is received from the labor group(s), the facts must be reported as provided in V. A., and official services must be provided.
 2. If agreement is not received from the labor group(s) or if it is otherwise apparent that providing official services at specified locations where the conditions described in IV. exist, the field office supervisor must report all pertinent facts regarding the situation as provided in V. A., notify the applicant(s) that official services are being conditionally withheld, and determine what further plans, if any, the applicant(s) has to obtain official services.
 3. If a court order requiring the performance of requested services is obtained by the applicant(s) and appropriate protection for FGIS personnel is provided by the applicant(s) or obtained from the U.S. Department of Justice or other appropriate authority, the field office supervisor must provide the requested services. Threats or abuse encountered by FGIS personnel must be reported in accordance with V. A.

Acting


Assistant Deputy Administrator,
Program Operations (Staff)